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Docket No.: **F-8638**
Filing Date:

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THE COMMISSIONER FOR PATENTS
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- ☐ ATTN: BOX PATENT APPLICATION
☐ ATTN: BOX DESIGN PATENT APPLICATION
☒ ATTN: BOX PCT
☐ ATTN: BOX PROVISIONAL PATENT APPLICATION
☒ THIS IS THE 35 U.S.C 371 NATIONAL STAGE OF PCT/EP2003/010886 FILED

October 1, 2003

Sir:

Transmitted herewith for filing is the ☒ Utility ☐ Design ☒ nonprovisional ☐ provisional patent application of:

Inventor / Application Identifier: **Jens KLEEBERG**

☒ See Inventor Information Sheet attached

For: **DEVICE AND METHOD FOR MONITORING THE STATE OF THE SUB-STRUCTURE OF FIXED TRACKS**

- ☐ This is a new patent application.
- ☒ This is the 35 U.S.C. 371 National Stage Application of the above-identified PCT Application.
- ☐ This is a provisional patent application.
- ☐ This is a: ☐ Continuation Application
☐ Divisional Application
☐ Continuation-in-Part Application
of prior Application Serial No. _.
- ☐ Cancel in this application original claims ___ of the prior application before calculating the filing fee.
- ☐ Amend the specification by inserting before the first line the sentence:
-- This is a ☐ Continuation, ☐ Divisional, ☐ Continuation-in-part, of Application
- ☐ Incorporation By Reference. The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

ENCLOSED ARE THE FOLLOWING:		
<input checked="" type="checkbox"/>	1	Sheets of drawings ([X] formal [] informal size A4).
<input checked="" type="checkbox"/>	5	Pages of specification including abstract and claims.
<input checked="" type="checkbox"/>	6	Total pages.
Combined Declaration and Power of Attorney		
<input type="checkbox"/>		Newly executed
<input type="checkbox"/>		Copy from prior application
<input type="checkbox"/>		Inventors deleted; see attached statement
Sequence Listing		
<input type="checkbox"/>		Computer Readable Copy
<input type="checkbox"/>		Paper copy
<input type="checkbox"/>		Statement verifying identity of above copies
<input checked="" type="checkbox"/>	Return Receipt Postcard	
	Preliminary Amendment	
	Assignment to:	

<input type="checkbox"/>	Assignment is of record in prior application Serial No._.
<input type="checkbox"/>	Assignment Recordation Form Cover Sheet.
<input type="checkbox"/>	Information Disclosure Statement
X	Information Disclosure Citation
<input type="checkbox"/>	English translation
X	Application Data Sheet

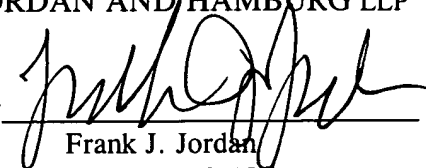
PRIORITY CLAIMS	
<input type="checkbox"/>	Applicant hereby claims the benefit of the filing date of the following provisional application(s) under the provision of 35 USC 119.
X	<p>Applicant hereby claims the benefit under the provisions of 35 USC 119 of the filing dates of the following applications as indicated below:</p> <p>Germany Patent Appln. No. 102 46 312.3-25, filed October 4, 2002, Priority Claimed</p> <p>of which certified copies thereof</p>
<input type="checkbox"/>	will follow
<input type="checkbox"/>	are enclosed
X	have been filed in the International Bureau
<input type="checkbox"/>	were filed in prior application:

CLAIMS FILED AND FILING FEE CALCULATION					
ITEM	—			Rate	Applied Fee
[] Basic Fee Utility	—			\$300	
[] Search Fee Utility				\$500	
[] Exam. Fee Utility				\$200	
[] Sheet Fee Utility	Ea. Add'l 50 pgs. over 100 pgs.			\$250	
Small Entity e-Filed Basic Fee Utility: SEE BELOW "Small Entity is Asserted."					
[X] Basic Fee - PCT Nat'l Stage	—			\$300	\$300
[X] Search Fee - PCT Nat'l Stage				\$500	\$500
[X] Exam. Fee - PCT Nat'l Stage				\$200	\$200
[] Sheet Fee - PCT Nat'l Stage	Ea. Add'l 50 pgs. over 100 pgs.			\$250	
[] Basic Fee - Design	—			\$200	
[] Search Fee Design				\$100	
[] Exam. Fee Design				\$130	
[] Sheet Fee Design	Ea. Add'l 50 pgs. over 100 pgs.			\$250	
[] Basic Fee - Provisional	—			\$200	
[] Sheet Fee - Provisional	Ea. Add'l 50 pgs. over 100 pgs.			\$250	
Claim Fees	Number Filed	Base Number	Number Extra over Base	—	
Total Claims	1	20	0	\$50	\$0
Independent Claims	1	3	0	\$200	\$0
Multiple Dependent Claim Fee	—			\$360	\$0
[] Small Entity Status is Asserted	Deduct 50% of above fees				(\$0)
[] Basic Fee Utility - e-filed and Small Entity				\$75	
[X] Non-English Specification	—			\$130	\$130
TOTAL FILING FEE					\$1,130

- [X] Payment of all fees, including the total filing fee in the amount of \$ 1,130 is by credit card. A form PTO-2038 is attached.
- [X] Please charge to Deposit Account No. 10-1250 any further fees due for filing or during prosecution of this application under: 37 CFR 1.16; 37 CFR 1.17; and 37 CFR 1.492.
- [X] English translation of specification, claims, and abstract of the International Application.
- [X] Copy of the International Search Report (PCT/ISA/210).
- [X] Copy of International Publication (WO 2004/033992).
- [X] When all the requirements for a national stage application have been completed, applicant is notified (Form PT/DO/EO/903) of the acceptance of the application under 35 U.S.C. 371, including an itemized list of the items received. The itemized list includes an indication of whether a copy of the international search report and copies of the references cited therein are present in the national stage file. The examiner will consider the documents cited in the international search report, without any further action by the applicant under 37 CFR 1.97 and 1.98, when both the international search report and copies of the documents are indicated to be present in the national stage file. The examiner will note the consideration in the first Office action. There is no requirement that the examiners list the documents on a PTO-892 form. However, in order to have the references printed on the resulting U.S. Patent, a separate listing on Form PTO-1449 must be filed. Such Form PTO-1449 is enclosed. Accordingly, please list these references on the resulting U.S. Patent. See Form Paragraphs 6.53, 6.54, and 6.55 (reproduced in MPEP § 609).

JORDAN AND HAMBURG LLP

By



Frank J. Jordan

Reg. No. 20,456

Attorney for Applicant

DECLARATION TO FOLLOW

INVENTOR INFORMATION SHEET

Docket Number: F-8638

Title: **DEVICE AND METHOD FOR MONITORING THE STATE OF THE SUB-
STRUCTURE OF FIXED TRACKS**

Filing Date:

1. Full Name of Inventor Jens KLEEBERG	Family Name KLEEBERG	First Given Name Jens	Second Given Name
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